

**CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR TO APPROVE AN INTERIM USE PERMIT AND DESIGN REVIEW FOR PLN09-0158 AT 625 W RANGER AVE AT ALAMEDA POINT.

WHEREAS, an application was made on April 24, 2009, by Charnel James on behalf of Verizon Wireless, to expand service at Alameda Point at W Skyhawk and Ticonderoga Ave, and then amended on February 9, 2011 to request the addition of panels and a Design Review for associated appurtenances at an existing telecommunications tower on 625 W Ranger Avenue; and

WHEREAS, the application was accepted as complete on May 26, 2011; and

WHEREAS, the Navy approved the project on July 27, 2011; and

WHEREAS, the project site is located within a M-2-G, Industrial Manufacturing Government District; and

WHEREAS, the project site is located within a Mixed Use; and

WHEREAS, the Zoning Administrator approved the project on August 16, 2011 with Conditions of Approval; and

WHEREAS, the applicant submitted an Appeal on August 26, 2011 requesting revisions to the Conditions of Approval; and

WHEREAS, the Planning Board has held a hearing on this issue on September 26, 2011 and has considered pertinent documents and upholds the findings concerning the project:

- 1. The interim use is approved for a limited time, not to exceed the maximum time frame set forth in the interim leading program criteria.**

The Use Permit governing the operation of a monopole at this location PLN10-0026, and by reference UP00-13 and DR-00-65 is approved for a maximum term of no more than ten (10) years.

- 2. The interim use utilizes existing facilities and does not require substantial new development.**

The applicants propose to expand the existing facilities at this site. The applicant will

add a 16x32' fenced area to contain an emergency power generator, diesel tank, and equipment cabinets for the wireless facilities. The height of the 100' monopole will not be increased. However, 9 new panel antennas will be added to the monopole. According to the original approval (PB-00-54), this project utilizes a type of monopole can be disassembled, relocated, and reassembled; and repurposed a former Navy building and electrical equipment on the site.

3. The interim use will not disrupt on-going operations of the government entity should the interim use occur concurrent with continuing operations by the government entity.

On July 27, 2011 the Navy staff have approved the project. Furthermore, all military use at the former Navy base has ceased and there are no additional government activities that that would be disrupted by the proposed use.

4. The interim use will not be detrimental to the ultimate redevelopment of the property or the potential resumption of use of the property by the government entity.

All structures are of a temporary nature and can be removed at the onset of redevelopment. Therefore, the project would not restrict future redevelopment of the property.

5. The interim use is consistent with an interim-leasing program adopted by the City.

Conditions established for interim leases have been applied to the project. This Use Permit is proposed for an interim basis.

BE IT RESOLVED THAT, the Planning Board has determined that this project is Categorically Exempt from environmental review, pursuant to the CEQA Guidelines Section 15301(b) - Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby upholds the Zoning Administrator decision to approve PLN09-0158, an Interim Use Permit and Design Review for the operation of an unmanned wireless telecommunications facility on a monopole and for supporting radio and electrical equipment subject to compliance with the following conditions. Revised conditions are identified with the * sign and changes to wording is underscored:

1*. Term: This Interim Use Permit is valid for the extent of the lease with ARRA or ten years after the date of approval (April 6, 2020), whichever occurs first. Subject to AARA approval, the applicant may request a new Interim Use Permit in 2020.

2*. Limitation of Use: This Interim Use Permit is for the operation of an unmanned

wireless telecommunications facility on a monopole with supporting radio and electrical equipment. The use would generate no employees or customers, and an average of two trucks a month except during construction and an emergency or disaster.

3. Navy: The applicant shall provide to the Navy a notice of the installation start and completion dates of construction, as well as before and after photos.
4. Electrical: The applicant must submit a complete plan for electric service when applying for an electrical permit. The applicant is responsible for the service conductor. The size of the existing conductor must be adequate for the existing services as well as the additional load from the new service.

5*. Leasing Area: TowerCo shall have completed and signed a lease area amendment to the leasing agreement for this location with Staff from Community Development Department, formerly Development Services Department prior to submittal for building permits.

6*. Public Works:

- a. Final Approval to be granted upon submittal of final construction drawings.
- b. Show all existing easements on the plan sets.
- c. All improvements must be within the approved easement.
- d. The applicant must provide a traffic control plan specific to the areas of construction and the existing conditions at that site.
- e. All pedestrian traffic shall be properly detoured at the construction site in accordance with the California MUTCD (Manual on Uniform Traffic Control Devices) and ADA guidelines.

f*. Signal Interference: The permittee must provide a radio frequency study, indicating that the proposed wireless service of permittee at the above location will not interfere with the current operation of the City's 800 MHZ communication system or the current operation of the 928/952 MHZ System Control and Data Acquisition (SCADA) System. The permittee must agree to reimburse the City for all costs to locate and correct any unlawful interference cause by permittee's site.

- g. A concrete/encroachment permit will be required for all work in the public right of way.
 - h. The construction sites must be USA's before any excavation is done.
 - i. Trenching, repairs to trenching, and repairs to the sidewalk must be per the City's Standard Plans.
7. Hazardous Materials. The storage and handling of all hazardous and toxic materials shall not be permitted as part of this Use Permit.
 8. Least Tern: Employees of the applicant shall be prohibited from entering wetlands

areas or endangered species habitat areas, particularly the California Least Tern habitat southwest of building 25. Interim users shall post information, to be provided by AARA, regarding the value of the habitat areas on the base, the reasons for restrictions on human activity, and shall cooperate in educational programs on these subjects.

9*. Revocation. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the City Planning Board may, after notice and hearing, revoke any use permit.

10. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

* * * *